

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,) CASE NO. 1:11CR91-27
)
PLAINTIFF,) JUDGE SARA LIOI
)
vs.)
) ORDER
NICHELLE SPIKES,))
)
)
DEFENDANT.)

This matter is before the Court upon Magistrate Judge Kenneth S. McHargh's Report and Recommendation that the Court ACCEPT Defendant Nichelle Spikes' ("Defendant") plea of guilty and enter a finding of guilty against Defendant. (Doc. No. 289.)

On March 8, 2011, the government filed an Indictment against Defendant. (Doc. No. 1.) On May 9, 2011, this Court issued an order assigning this case to Magistrate Judge McHargh for the purpose of receiving Defendant's guilty plea. (Doc. No. 250.)

On June 28, 2011, a hearing was held in which Defendant entered a plea of guilty to Count 3 of the Indictment, charging her with possession of cocaine with intent to distribute, in violation of 21 U.S.C. Section 841(a)(1). Magistrate Judge McHargh received Defendant's guilty plea and issued a Report and Recommendation ("R&R") recommending that this Court accept the plea and enter a finding of guilty. (Doc. No. 289.)

Neither party objected to the Magistrate Judge's R&R in the fourteen days after it was issued.

Upon *de novo* review of the record, the Magistrate Judge's R&R is ADOPTED. Specifically, the Court finds as follows: that the defendant is competent to enter a plea, that she understands her constitutional rights, that she is aware of the consequences of entering a plea, and that there is an adequate factual basis for the plea. The Court further finds that the plea was entered knowingly, intelligently, and voluntarily. Accordingly, the Defendant's plea of guilty is APPROVED.

Therefore, the Defendant is adjudged guilty of Count 3 in violation of 21 U.S.C. Section 841(a)(1). The sentencing will be held on September 8, 2011 at 10:00 a.m.

IT IS SO ORDERED.

Dated: July 29, 2011


HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE